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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,502	02/05/2001	Jacob Aizikowitz	P-3016-US	8471

27130 7590 07/14/2004

EITAN, PEARL, LATZER & COHEN ZEDEK LLP
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NEW YORK, NY 10020

EXAMINER

SAIN, GAUTAM

ART UNIT PAPER NUMBER

2176

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/775,502	Applicant(s) AIZIKOWITZ ET AL.	
	Examiner Gautam Sain	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/01, 7/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

- 1) 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

- 1-1) Claims 1-29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

Claims 1-29 set forth non-functional descriptive material but fail to set forth physical structures or materials comprising of hardware or a combination of hardware and software within the technological arts (ie., a computer) to produce a "useful, concrete and tangible" result. For example, Claims 1 the "method" reads on a mental construct/abstract idea or at best a computer program, per se. The language such as "dynamic document" does not clearly define structural elements and are not tangibly embodied on a computer readable medium. Claims 1-29 are interpreted as software per se, abstract ideas or mental constructs and not tangibly embodied on a computer readable medium or hardware.

Claim Rejections - 35 USC § 102

- 2) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2-1) Claims 1, 2, 3, 4, 5, 7, 10, 11, 12, 14, 15, 17, 18, 19, 20, 21, 22, 24, 25, 29 rejected under 35 U.S.C. 102(b) as being anticipated by Orr et al (US 5895476, issued Apr 20, 1999, see IDS).

Regarding claim 1, 18, Orr teaches "providing ... template" (ie., dynamic document template)(col 2, line 59).

Orr teaches "binding an ... template" (ie., content elements added based on the template)(col 7, lines 1 – 18)(ie., content rendered according to design description)(col 8, lines 16-25).

Regarding claim 2, Orr teaches "describing ... layout design" (ie., design description ... brochure layouts with photographs)(col 8, lines 15-54; fig 1a, 1b, 1c).

Orr teaches "defining ... template" (ie., design engine)(col 8, lines 16-20)(ie., design description ... output specification ... reformatting ... automatically recalculating)(col 1, line 27 – col 2, line 8).

Regarding claims 3, 12, 22, Orr teaches "defining a set ... document" (ie., OLE embedded objects or HTML page)(col 1, lines 40-45).

Orr teaches "defining ... values" (ie., content elements)(col 1, line 30).

Orr teaches "defining ... dynamic objects" (ie., design descriptions ... automatically integrate content OLE objects)(col 1, line 25 – col 2, line 22).

Regarding claims 4, 15, 25, Orr teaches "data values ... media items" (ie., content may come from database or other sources)(col 7, lines 63-65)(ie., combinations of content ... media features)(col 5, lines 33-46).

Regarding claim 5, Orr teaches "providing a set ... type of said object" (ie., disparate file formats ... removing program specific formatting)(col 5, lines 50-57)(automatically performs document layout)(col 5, lines 35-40).

Orr teaches "providing ... dynamic document" (ie., ... wide variety of distribution mechanism)(col 5, lines 35-45).

Orr teaches "providing ... objects" (ie., user changes are automatically recalculated. The version prior to recalculation is a placeholder for the adjusted format/style)(col 5, line 65 – col 6, line 8).

Regarding claim 7, 14, 24, Orr teaches "storage system ... actual item" (ie., content processing from a wide variety of resources ... disk)(col 5, lines 47-55)(content facet ... pointer to a text string containing text)(col 16, lines 65-67).

Regarding claim 10, Orr teaches "amending ... logic plan" (ie., three-way separation of content, design, media allows layout of content into intelligent dynamic document templates. One can modify the template without modifying the overall design logic)(col 2, lines 50-67).

Regarding claims 11, 21, Orr teaches "logic section" (ie., logical construction of a document)(col 12, lines 9-20).

Orr teaches "layout section ... object" (ie., OLE objects ... document layout)(col 5, lines 30-45)(content elements are added in a location)(col 7, lines 1-10).

Regarding claims 17, 29, Orr teaches "providing a set ... type of said object" (ie., disparate file formats ... removing program specific formatting)(col 5, lines 50-57)(automatically performs document layout)(col 5, lines 35-40).

Regarding claim 19, Orr teaches "plurality of pointers ... sources" (ie., content from multiple sources ...)(col 2, lines 55-60).

Regarding claim 20, Orr teaches "data sources ... media items" (ie., content may come from database or other sources)(col 7, lines 63-65)(ie., combinations of content ... media features)(col 5, lines 33-46).

Claim Rejections - 35 USC § 103

3) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3-1) Claims 6, 13, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orr et al (as cited above), in view of Li (US 6725227, filed Nov 2, 1998).

Regarding claims 6, 13, 23, Orr does not expressly teach, but Li teaches "set of rules ... Relational Algebra" (ie., Relational Algebra)(col 9, line 23).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Orr to include Relational Algebra as taught by Li, providing the benefit of managing Web and intranet documents efficiently where users store documents contents in databases and structures and users can create and logically combine physical or logical databases for visually and organizing documents (Li, col 1, line 65 – col 2, line 26).

3-2) Claims 8, 9, 16, 26, 27, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orr et al (as cited above), in view of Poole et al (US 6006242, issued Dec 21, 1999, see IDS).

Regarding claims 8, 16, 26, Orr does not expressly teach, but Poole teaches "Relational Database tables" (ie., conventional relational database scheme ... table of rules with boilerplate clauses)(col 1, lines 40-50).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Orr to include a relation database scheme as taught by Poole, providing the benefit of an apparatus and method for dynamically constructing electronic and printable documents and forms (Poole, Abstract section).

Regarding claims 9, 27, Orr does not expressly teach, but Poole teaches "assigning ... tables" (ie., conventional relational database scheme ... table of rules with boilerplate clauses)(col 1, lines 40-50).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Orr to include matching database tables with boilerplate clauses as taught by Poole, providing the benefit of an apparatus and method for dynamically constructing electronic and printable documents and forms (Poole, Abstract section).

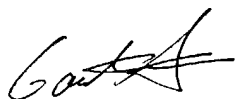
Regarding claim 28, Orr teaches "instances sets ... database tables" (ie., content may come from sources other than a database)(col 7, lines 63-65).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam Sain whose telephone number is 703-305-8777. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (703)305-9792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



GS



JOSEPH FEILD
SUPERVISORY PATENT EXAMINER